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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,592	12/07/2000	James Michael Fitzpatrick	PIP-53-FITZ-US	9232
31518	7590	08/19/2009		
NEIFELD IP LAW, PC 4813-B EISENHOWER AVENUE ALEXANDRIA, VA 22304				
EXAMINER AKINTOLA, OLABODE				
ART UNIT		PAPER NUMBER		
3691				
NOTIFICATION DATE		DELIVERY MODE		
08/19/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09730592	12/7/2000	FITZPATRICK, JAMES MICHAEL	PIP-53-FITZ-US

## EXAMINER

OLABODE AKINTOLA

ART UNIT	PAPER
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3691 20090806

DATE MAILED:

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## Commissioner for Patents

This communication is in response to the remand by the Board of Patent Appeals and Interferences on 26 July 2009. This communication cancels claims 1-4, 24-27, 40-49, 53 and 54 as instructed by the Board.

## GROUNDS OF REJECTION NOT ON REVIEW

The following grounds of rejection have not been withdrawn by the examiner, but they are not under review on appeal because they have not been presented for review in the appellant's brief.

Claims 1-2, 24-25, 40-41, 44, 46, 53 and 54 were rejected under 35 U.S.C. 103(a) as being unpatentable over Daniel et al. U.S. Patent 4,972,504 in view of Reuhl et al. U.S. Patent 5,873,069.

Claims 3, 26 and 42 were rejected under 35 U.S.C. 103(a) as being unpatentable over Daniel et al. U.S. Patent 4,972,504 in view of Reuhl et al. U.S. Patent 5,873,069 and further in view of Sloane U.S. Patent 5,918,211.

Claims 4, 27 and 43 were rejected under 35 U.S.C. 103(a) as being unpatentable over Daniel et al. U.S. Patent 4,972,504 in view of Reuhl et al. U.S. Patent 5,873,069 and further in view of Day et al. U.S. Patent 5,857,175.

Claims 45 and 47-49 were rejected under 35 U.S.C. 103(a) as being unpatentable over Daniel et al. U.S. Patent 4,972,504 in view of Reuhl et al. U.S. Patent 5,873,069 and further in view of Riordan U.S. Patent 6,078,891.

Since claims 1-4, 24-27, 40-49, 53 and 54 were not presented for review, claims 1-4, 24-27, 40-49, 53 and 54 are cancelled and are not under consideration for purposes of this appeal.

The Examiner believes the application is in condition for review by the Board and will forward the case to the Board. No response is required by the Applicant.

/Hani M. Kazimi/  
Primary Examiner, Art Unit 3691